08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B -**Customer Claim** Pg 1 of 15

		CUSTOMER CLAIM										
		Claim Number										
		Date Received										
	В	SECURITIES LLC										
In Liquidation												
		DECEMBER 11, 2008	9									
.			,									
(Please p	rint or type)											
Name of	Customer:	Robert M. Potamkin										
Mailing A	Address:	1100 Black Birch Drive										
City: A	spen	State: CO	Zip: 81611									
Account 1	No: 1PO0	89										
	PROTEC RECEIVE RECEIVE SUBJECT LESS FA	BE FILED FOR EACH ACCOUNTION AFFORDED UNDER SIPA, ALED BY THE TRUSTEE ON OR BIT ON OF TO DELAYED PROCESSING AND VORABLE TO THE CLAIMANT. PLITED MAIL - RETURN RECEIPT REC	L CUSTOMER CLAIMS MUST E EFORE March 4, 2009. CLAIM R BEFORE July 2, 2009, WILL E TO BEING SATISFIED ON TERM EASE SEND YOUR CLAIM FOR	BE IS BE IS								
******	******	*************	**************	**								
1. CI	aim for mor	ney balances as of December 11, 2008	3 :									
a.	The Br	oker owes me a Credit (Cr.) Balance o	of \$0									
b.	I owe t	he Broker a Debit (Dr.) Balance of	\$0									
C.	please attach Truste	vish to repay the Debit Balance, insert the amount you wish to repay a a check payable to "Irving H. Picard, E e for Bernard L. Madoff Investment Seo wish to make a payment, it must be er	Esq., curities LLC."									

N/A

None

Claim for securities as of December 11, 2008: 2.

If balance is zero, insert "None."

with this claim form.

1.

d.

08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B - Customer Claim Pg 2 of 15

PLEASE DO NOT CLAIM ANY SECURITIES YOU HAVE IN YOUR POSSESSION.

		YES	NO							
a.	The Broker owes me securities									
b.	I owe the Broker securities									
c.	If yes to either, please list below:									
		Number of Face Amour								
Date of Transaction (trade date)		The Broker Owes Me (Long)	I Owe the Broker (Short)							
See Nov. 30,	2008 1PO097 statements, attached hereto as Exhibit A.	•								
\$	805,535.43 (market value of securities long, per 1PO089	9-3 statement)								
	\$ 28,050.00 (market value of securities long, per 1PO089	9-4 statement)								
(\$ 39,610.00) (market value of securities short, per 1PO089-4 statement)										
TOTAL: \$	793,975.43	:								

Proper documentation can speed the review, allowance and satisfaction of your claim and shorten the time required to deliver your securities and cash to you. Please enclose, if possible, copies of your last account statement and purchase or sale confirmations and checks which relate to the securities or cash you claim, and any other documentation, such as correspondence, which you believe will be of assistance in processing your claim. In particular, you should provide all documentation (such as cancelled checks, receipts from the Debtor, proof of wire transfers, etc.) of your deposits of cash or securities with the Debtor from as far back as you have documentation. You should also provide all documentation or information regarding any withdrawals you have ever made or payments received from the Debtor.

See Exhibits A and B, and documents submitted herewith.

Please explain any differences between the securities or cash claimed and the cash balance and securities positions on your last account statement. If, at any time, you complained in writing about the handling of your account to any person or entity or regulatory authority, and the complaint relates to the cash and/or securities that you are now seeking, please be sure to provide with your claim copies of the complaint and all related correspondence, as well as copies of any replies that you received.

PLEASE CHECK THE APPROPRIATE ANSWER FOR ITEMS 3 THROUGH 9.

08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B - Customer Claim Pg 3 of 15

NOTE: IF "YES" IS MARKED ON ANY ITEM, PROVIDE A DETAILED EXPLANATION ON A SIGNED ATTACHMENT. IF SUFFICIENT DETAILS ARE NOT PROVIDED, THIS CLAIM FORM WILL BE RETURNED FOR YOUR COMPLETION.

	Hand the one has a second of	<u>YES</u>	<u>NO</u>
3.	Has there been any change in your account since December 11, 2008? If so, please explain.		
			√
4.	Are you or were you a director, officer, partner, shareholder, lender to or capital contributor of the broker?		
_			✓
5.	Are or were you a person who, directly or indirectly and through agreement or otherwise, exercised or had the power to exercise a controlling influence over the management or policies of the broker?		
			✓
6.	Are you related to, or do you have any business venture with, any of the persons specified in "4" above, or any employee or other person associated in any way with the broker? If so, give name(s).		
			✓
7.	Is this claim being filed by or on behalf of a broker or dealer or a bank? If so, provide documentation with respect to each public customer on whose behalf you are claiming.		:
_			✓
8.	Have you ever given any discretionary authority to any person to execute securities transactions with or through the broker on your behalf? Give names, addresses and phone numbers.		e e e e e e e e e e e e e e e e e e e
			√
9.	Have you or any member of your family ever filed a claim under the Securities Investor Protection Act of 1970? if so, give name of that broker.		
	9 2 2		✓
	- -		
	Please list the full name and address of anyone assisting you ir preparation of this claim form: Matthew A. Kupillas, Esq., Milberg Plaza, New York, NY 10119	n the LLP, One Pen	nsylvania

08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B - Customer Claim Pg 4 of 15

If you cannot compute the amount of your claim, you may file an estimated claim. In that case, please indicate your claim is an estimated claim.

IT IS A VIOLATION OF FEDERAL LAW TO FILE A FRAUDULENT CLAIM. CONVICTION CAN RESULT IN A FINE OF NOT MORE THAN \$50,000 OR IMPRISONMENT FOR NOT MORE THAN FIVE YEARS OR BOTH.

THE FOREGOING CLAIM IS TRUE AND ACCURATE TO THE BEST OF MY INFORMATION AND BELIEF.

Date 6-18-09 Signature

Robert M. Potamkin

Date <u>6-/8-//9</u> Signature

(If ownership of the account is shared, all must sign above. Give each owner's name, address, phone number, and extent of ownership on a signed separate sheet. If other than a personal account, e.g., corporate, trustee, custodian, etc., also state your capacity and authority. Please supply the trust agreement or other proof of authority.)

This customer claim form must be completed and mailed promptly, together with supporting documentation, etc. to:

Irving H. Picard, Esq.,
Trustee for Bernard L. Madoff Investment Securities LLC
Claims Processing Center
2100 McKinney Ave., Suite 800
Dallas, TX 75201

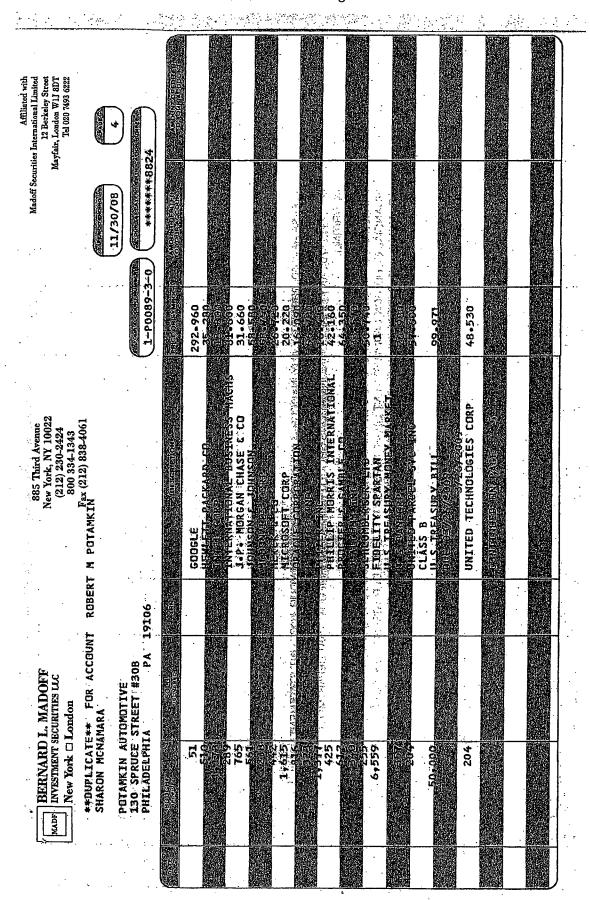
EXHIBIT A

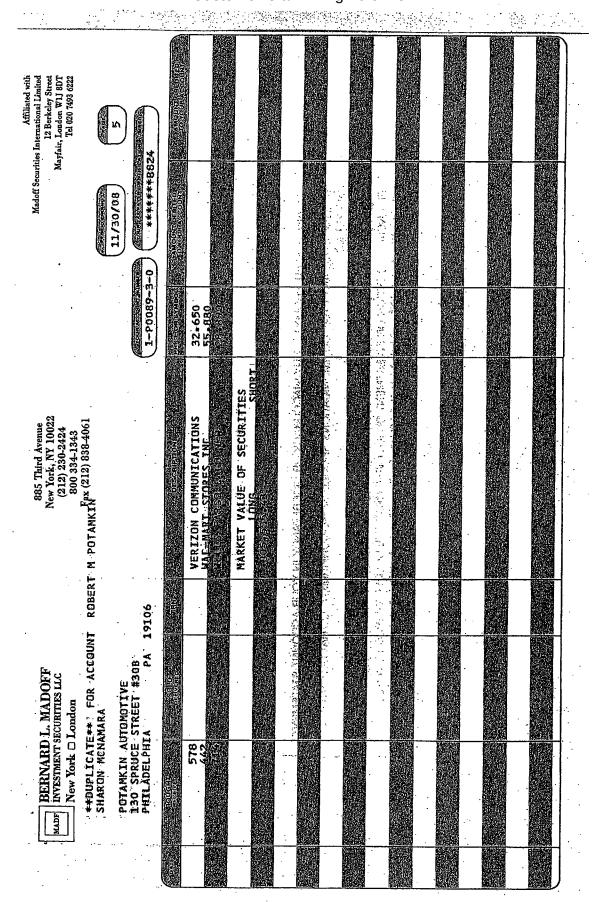
08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B - Customer Claim Pg 6 of 15

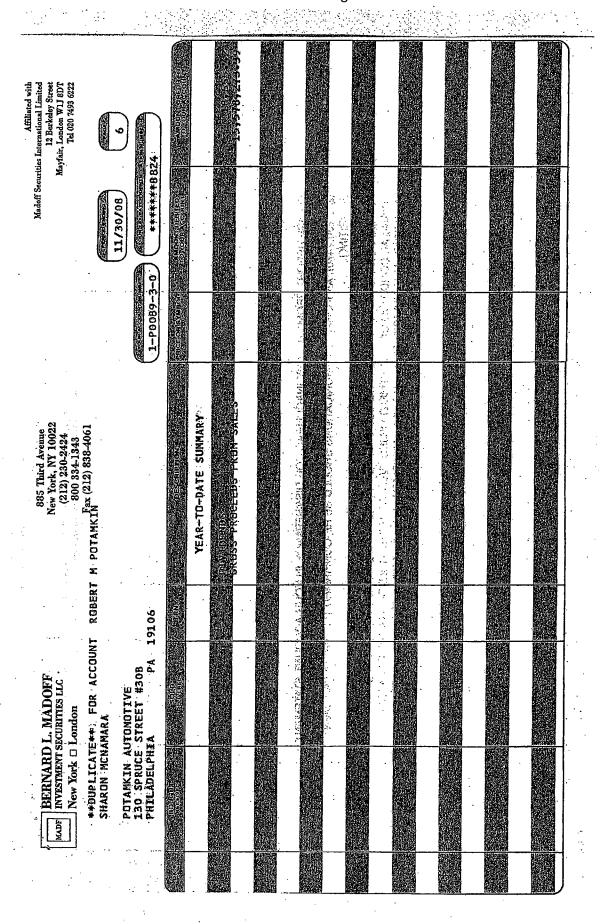
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08-01789-cgm Doc 1777-2 Filed 01/19/10 Entered 01/19/10 16:07:53 Exhibit B - Customer Claim Pg 12 of 15

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EXHIBIT B

EXHIBIT B

- 1. This Claim Form, exhibits, and supporting documentation (collectively "Claim Form") is submitted pursuant to the December 23, 2008 Order of the Honorable Burton R. Lifland and the instructions disseminated by Irving H. Picard, Trustee for Bernard L. Madoff Investment Securities LLC ("Trustee"), on December 11, 2008.
- 2. The information provided in the Claim Form is based on the information provided in the Claimant's latest Madoff account statement and any additional information known by the Claimant as of the date of the submission of the Claim Form. The Claimant reserves the right to amend and/or supplement this Claim Form upon the receipt of further information, or upon request by the Trustee for additional information.
- 3. The Claimant reserves the right to amend the Claim Form in the event of any recoveries by the Trustee or any other party under the avoidance powers of the Bankruptcy Code or otherwise, or in the event of rejections of executory contracts pursuant to Bankruptcy Code Section 365, whether such amendments are made pursuant to Bankruptcy Code Sections 105, 502(g), or 502(h), Bankruptcy Rule 3002(c)(3), (4), other provisions of applicable bankruptcy law, or general principles of law and equity.
- 4. The Claimant hereby requests that the Claim Form be considered as a proof of claim in *In re Bernard L. Madoff Investment Securities LLC*, No. 08-01789 (Bankr. S.D.N.Y.).
- 5. This Claim Form is required to be submitted pursuant to the Court's January 2, 2009 Order and the Trustee's instructions to the Claimant. To the extent permitted by the applicable law, the Claimant does not consent to the jurisdiction of the Bankruptcy Court nor does Claimant waive any right to trial by jury.
- 6. The Claimant reserves all rights, claims, and/or defenses as to and/or against any and all parties potentially liable for the losses sustained by the Claimant, including, without limitation, Bernard L. Madoff Investment Securities LLC and its owners, partners, employees, and affiliates, as well as any potentially liable third parties including, without limitation, investment advisors, "feeder funds," accountants, and auditors.
- 7. The Claimant further reserves all rights, claims, and/or defenses as to and/or against any persons and/or creditors asserting claims against Bernard L. Madoff Investment Securities LLC, its employees, owners, and/or affiliates, in bankruptcy or otherwise.
- 8. The Claimant reserves all objections as to the competence, relevance, materiality, privilege, or admissibility of evidence in any subsequent proceeding or trial of this or any other action for any purpose whatsoever, notwithstanding the submission of any such information to the Trustee.
- 9. To the extent the Claimant has disclosed to the Trustee documents containing accounting and/or legal advice, the Claimant does not waive any potential privileges applicable thereto.

Claimant: Robert M. Potamkin (Account no. 1PO089)

- 10. The Claimant reserves all rights with respect to submitting information to the Internal Revenue Service regarding gains, losses, and/or theft of assets.
- 11. The Claim Form and supporting documents contain confidential information. The Claimant submits this information to the Trustee subject to the condition that this information will not to be disclosed to any third parties, other than under seal to the Court, absent the Claimant's express consent or Court order.
- 12. During the lifetime of the account, the Claimant may have contributed and/or withdrawn sums of money. The Claimant's final account balance set forth in Exhibit A takes into account any such contributions and/or withdrawals. Claimant continues to search for additional documents relating to such contributions or withdrawals and reserves the right to supplement this submission if additional documents are found.
- 13. The Claimant submits herewith documents in support of the Claimant's claim. The Claimant reserves any arguments that such documents are not relevant to the Trustee's inquiry. The Claimant further reserves the right to supplement this submission, including the submission of additional documents if deemed necessary. Below is a list of the documents submitted herewith:

2008

• BMIS account statements for time period ending 11/30/08.